

United States Court of Appeals
For the Eighth Circuit

No. 13-1255

Richard W. Caw

Plaintiff - Appellant

v.

Portfolio Recovery Associates, LLC

Defendant - Appellee

Appeal from United States District Court
for the Western District of Missouri - St. Joseph

Submitted: October 4, 2013

Filed: November 6, 2013

[Unpublished]

Before SMITH, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Richard Caw appeals from an order of the District Court¹ granting summary judgment to Portfolio Recovery Associates, LLC, (PRA) in this action brought by

¹The Honorable Fernando J. Gaitan, Chief Judge, United States District Court for the Western District of Missouri.

Caw under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692–1692p (FDCPA). Having carefully reviewed the record, we are satisfied that Caw’s failure to establish the date on which PRA made the allegedly prohibited telephone call was fatal to his claim. See Freyermuth v. Credit Bureau Servs. Inc., 248 F.3d 767, 770 (8th Cir. 2001) (noting that appellate court reviews the grant of summary judgment de novo, viewing facts in a light most favorable to the nonmoving party); 15 U.S.C. § 1692k(d) (stating that an action to enforce any liability created by the FDCPA may be brought within one year from the date on which the violation occurs). The evidence was sufficient to establish that there was no violation of the general or specific terms of the FDCPA, and summary judgment was proper. Accordingly, we affirm the judgment of the District Court.
